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EXAMINER				
KAMPURIA, SHARAD K				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/524,941

Applicant(s)

GUGLIELMI ET AL.

Examiner

SHARAD RAMPURIA

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,9-11, 14-23, 27-29 and 31-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,9-11, 14-23, 27-29 and 31-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/19/2008 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-2, 9-11, 19-20, 27-29, 31, 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Soh; Byeung Yun et al.** [US 6895251 B2] in view of **Roth; Adam et al.** [US 6975988 B1].

As per claim 1, **Soh** teaches:

A method of transmitting messages on a telecommunications network, the method comprising the steps of:

receiving from a sender terminal a text message, integrating said text message with the video content to generate a multimedia message, (Col.4; 4-14) and

transmitting to at least a recipient terminal said multimedia message in the form of a Multimedia Messaging Service message. (Col.4; 14-17)

Soh doesn't teach specifically, synthesizing from the text message a synthesized voice signal, generating a video content having an animated image as an image of a character that pronounces the synthesized voice signal. However, **Roth** advocates in an analogous art, that the synthesizing from the text message a synthesized voice signal, generating a video content having an animated image as an image of a character that pronounces the synthesized voice signal. (e.g. synthesizing the message with audio; Col.9; 59-Col.10; 6) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to including synthesizing from the text message a synthesized voice signal, generating a video content having an animated image as an image of a character that pronounces the synthesized voice signal in order to provide the method includes the step of associating the audio/video technique with message.

As per claim 2, **Soh** teaches:

The method as claimed in claim 1, further comprising the step of receiving said text message in the form of a Short Messaging Service message. (Col.2; 46-60)

As per claims 9, 37-38, the above combination teaches all the particulars of the claim except the step of generating the image of said character by means of a text animation system. However, Roth advocates in an analogous art, that the method as claimed in claim 1, characterised in that it comprises the step of generating the image of said character by means of a text animation system (308, 310). (e.g. sending a picture with associated text; Col.9; 59-Col.10; 6)

As per claim 10, the above combination teaches all the particulars of the claim except comprises the step of integrating (328) said MMS message with background music. However, Roth advocates in an analogous art, that the method as claimed in claim 1, characterised in that it comprises the step of integrating (328) said MMS message with background music (330). (e.g. sending a picture with associated sound; Col.9; 59-Col.10; 6)

As per claim 11, the above combination teaches all the particulars of the claim except comprises the step of including in said video content an animated GIF image. However, Roth advocates in an analogous art, that the method as claimed in claim 1, characterised in that it comprises the step of including in said video content an animated GIF image. (e.g. sending a picture with associated text; Col.9; 59-Col.10; 6)

Claims 19-20 are the system, claims, corresponding to method claims 1-2 respectively, and rejected under the same rational set forth in connection with the rejection of claims 1-2 respectively, above.

Claims 27-29, 31 are the system, claims, corresponding to method claims 6-13 respectively, and rejected under the same rational set forth in connection with the rejection of claims 6-13 respectively, above.

Claims 3-5, & 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Soh & Roth** further in view of Rooke et al. [US 6678361 B2].

As per claim 3, the above combination teaches all the particulars of the claim except identifying the type of recipient terminal able to receive said multimedia message by identifying the characteristics of said recipient terminal, and adapting said MMS message to the characteristics of said recipient terminal. However, Rooke advocates in an analogous art, that the method as claimed in claim 1 or claim 2, characterised in that it comprises the steps of: identifying the type of recipient terminal able to receive said multimedia message by identifying the characteristics of said recipient terminal, and adapting said MMS message to the characteristics of said recipient terminal. (e.g. capability of multimedia message; Col.3; 43-50, Col.7; 18-32) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to including identifying the type of recipient terminal able to receive

said multimedia message by identifying the characteristics of said recipient terminal, and adapting said MMS message to the characteristics of said recipient terminal in order to provide a method of the possibility of handling a multimedia message.

As per claim 4, Soh teaches all the particulars of the claim except the step of integrating said text message with a generated video content (326) in such a way that said multimedia message is suited to the characteristics of said recipient terminal. However, Rooke advocates in an analogous art, that the method as claimed in claim 3, characterised in that it comprises the step of integrating said text message with a generated video content (326) in such a way that said multimedia message is suited to the characteristics of said recipient terminal. (e.g. video; Col.3; 43-50, Col.7; 18-32)

As per claim 5, the above combination teaches all the particulars of the claim except complementing said text message with a video content determined independently from the characteristics of the recipient terminal (12, 13, 14) and adapting (10) the multimedia message thereby obtained to the characteristics of said recipient terminal. However, Rooke advocates in an analogous art, that the method as claimed in claim 3, characterised in that it comprises the steps of: complementing said text message with a video content determined independently from the characteristics of the recipient terminal (12, 13, 14) and adapting (10) the multimedia message thereby obtained to the characteristics of said recipient terminal. (e.g. video; Col.3; 43-50, Col.7; 18-32)

Claims 21-23 are the system, claims, corresponding to method claims 3-5 respectively, and rejected under the same rational set forth in connection with the rejection of claims 3-5 respectively, above.

Claims 14-18 & 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soh, & Roth further in view of Hyon [US 20020077135 A1].

As per claim 14, the above combination teaches all the particulars of the claim except comprises the step of providing, in said sender terminal (18), a script function for the selection of said video content and of said recipient terminal. However, Hyon advocates in an analogous art, that the method as claimed in claim 1, characterised in that it comprises the step of providing, in said sender terminal (18), a script function for the selection of said video content and of said recipient terminal (12, 13, 14). (e.g. sending a video content; ¶ 0011, 0042) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the above combination including comprises the step of providing, in said sender terminal (18), a script function for the selection of said video content and of said recipient terminal in order to provide a method of easily enter a plurality of icons that represent his emotions by use of a series of special characters.

As per claim 15, the above combination teaches all the particulars of the claim except the step of providing, in said sender terminal (18), a function for the automatic correction of any error which may be contained in said text message. However, Hyon advocates in an analogous art,

that the method as claimed in claim 1, characterised in that it comprises the step of providing, in said sender terminal (18), a function for the automatic correction of any error which may be contained in said text message. (e.g. sending a video content; ¶ 0011, 0042)

As per claim 16, the above combination teaches all the particulars of the claim except the step of associating to said text message meta-information for selectively modifying the characteristics of said video content. However, Hyon advocates in an analogous art, that the method as claimed in claim 1, characterised in that it comprises the step of associating to said text message meta-information for selectively modifying the characteristics of said video content. (e.g. sending a emoticons content; ¶ 0011, 0042)

As per claim 17, the above combination teaches all the particulars of the claim except the step of associating to said text message additional information in the form of emoticons for selectively modifying the characteristics of said video content. However, Hyon advocates in an analogous art, that the method as claimed in claim 1, characterised in that it comprises the step of associating to said text message additional information in the form of emoticons for selectively modifying the characteristics of said video content. (e.g. sending a emoticons content; ¶ 0011, 0042)

As per claim 18, the above combination teaches all the particulars of the claim except video content is selected within the group constituted by: an animated GIF image ordered in frames, with respective portions of said text message associated thereto, an animated GIF image

accompanied by compressed audio, and a video clip completed with audio. However, Hyon advocates in an analogous art, that the method as claimed in claim 1, characterised in that said video content is selected within the group constituted by: an animated GIF image ordered in frames, with respective portions of said text message associated thereto, an animated GIF image accompanied by compressed audio, and a video clip completed with audio. (e.g. sending a animated content; ¶ 0011, 0042)

Claims 33-36, 32 are the system, claims, corresponding to method claims 14-18 respectively, and rejected under the same rational set forth in connection with the rejection of claims 14-18 respectively, above.

Response to Remarks

Applicant's arguments with respect to claims 1-5, 9-11, 14-23, 27-29, 31-38, have been fully considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 or

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/Sharad Rampuria/
Primary Examiner
Art Unit 2617